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Filed   :   **September 9, 2001**

REMARKS

Reconsideration and allowance of the above referenced application are respectfully requested.

Claims 1-16 remain pending. The independent claims 1 and 13 are each amended to further emphasize their patentability, and to obviate the interpretation taken by the official action.

The objection to the disclosure has been obviated herein by amendment. The objection to claim 13 has been obviated by changing "filter content" to -rules-.

Claims 1-7 stand rejected under 35 USC 102b as allegedly being anticipated by Nielsen. Nielsen, however, is simply a system that shows a spellchecker for an Internet based system. Note that Nielsen, like all spellcheckers, works on messages as they are created. A message (or document) is created, and spellchecked. In the case of a message, it is spellchecked prior to sending. See for example Figure 4 of Nielsen which shows the words being checked against the local database prior to being sent to the vendor computer.

This spellchecker is very different than the system of the present application which establishes an electronic communication is being undesired electronic communication based on the detection of random information. The office action apparently takes the interpretation that a document which has words spelled wrong would be marked as such, and as such could be considered as "undesired" because there are misspelled words therein. In order to obviate this interpretation, claim 1 has been amended to recite <u>receiving the electronic communication over a channel</u> and detecting random information in that electronic communication that is received over the channel. This is entirely different from anything taught by Nielsen who only teaches

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spellchecking in <u>locally-created documents</u>. Since Nielsen is entirely different than the present system, it certainly does not make obvious the concept of establishing an electronic communication as possibly being undesired based on detecting the random information <u>in a received communication</u>.

Nielsen teaches a spellchecker, and spellchecker is only used locally. It makes no sense to think that one would use a spellchecker on a received communication. There would be no use in spellchecking a received document. Certainly Nielsen never teaches doing so.

Claim 1, therefore defines receiving an electronic communication, detecting random information and establishing the electronic communication as possibly being undesired based on the detection of random information. This is in no way taught or suggested by the cited prior art. Therefore, claim 1 should be allowable along with the claims which depend therefrom.

Claim 2 defines that the random information which is detected includes random characters, claim 3 defines that this includes random words. Nothing in Nielsen teaches or suggests such randomness detection; this reference, in fact, only teaches a spellchecker.

Claim 7 defines an instruction to filter the electronic communication, and this is nowhere taught or suggested by the cited prior art. The rejection states that Nielsen discloses filtering of the e-mail content in column 6 lines 40-67. However, this cited location teaches that if the text word is not included in the local database, then it is either misspelled or a new word. This causes an alert, allowing the user to either respell or add it, but teaches nothing about filtering electronic communication. This only teaches a conventional use of a spellchecker.

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Claim 8 defines receiving an electronic communication, detecting random information in the electronic communication, and filtering it prior to reaching the user responsive to the detecting. Fishkin teaches an e-mail system, with a message creation interface. The creation of the message may include various times before which the user can send a message. For example, Figure 13 teaches that the e-mail can be monitored to look for objectional information. Figure 11 teaches looking for spelling errors. Nowhere is there any teaching or suggestion, however, of doing this in a received electronic communication. Such checking is taught, and in fact ONLY taught, for use in an outgoing electronic communication, that is prior to the user actually sending it.

Figures 11-13 ask the user to reconsider the spelling, grammar or language. This would make no sense in the context of a received electronic communication as such a communication has already been sent. In any case, there is no teaching or suggestion of detecting random information in the electronic communication and filtering it based thereon. Therefore, claim 8 should be allowable along with the claims that depend therefrom.

Claim 13 has been amended to recite processing the electronic communications which have been received over a channel and hence should be allowable along with the claims which depend therefrom.

Finally, the newly added claims 17-19 specifically recite that the marking marks the communication as being a spam communication. Since all of the references cited by the Examiner deal with spellchecking or the like, this further distinguishes over the interpretation taken by the official action.

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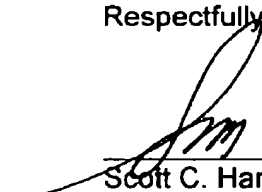Filed　　　　　　：　　September 9, 2001

It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

For all of these reasons, it is respectfully suggested that all of the claims should be in condition for allowance. A formal notice of allowance is hence respectfully requested.

Please charge any fees due in connection with this response to Deposit Account No. 50-1387.

Respectfully submitted,

Date: 8/19/04

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